IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.1528 OF 2005

Sandvik Asia Employees Union)..Petitioner

Versus

Sandvik Asia Ltd.)..Respondent

Ms.N.D.Buch with Mr.H.D.Buch with Ms.Bina Dholakia for the Petitioner.

Mr.J.P.Cama with Mr.Deepak Poonamiya i/b.M/s.RMG Law Associates for the Respondent.

CORAM: SMT.NISHITA MHATRE, J.

DATED: 29TH MARCH 2005

P.C.:

. The Petition challenges an interim order dated 17th February 2005 passed by the Industrial Court, Pune in Complaint (ULP) No.106 of 2005 filed under Items 3, 9 and 10 of Schedule IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971. The Industrial Court has refused to grant any interim relief staying the orders of transfer. The Industrial Court has found that prima facie the orders of transfer in respect of the nine workmen are not mala fide since the entire Powder Division has been shifted from Dapodi in Pune to Chiplun. All the transfers of the nine employees were effected on account of the transfer of the Powder Division. I see no reason to interfere with the interim order of the Industrial Court. Petition

rejected.

2. Mr.Cama, learned Counsel for the Respondent Company states that there is a possibility of vacancies arising in Pune in the near future. The employees who are transferred to Chiplun may apply to be absorbed in these vacancies. Their applications will be considered and after interviews they may be posted in Pune if selected.

3. Hearing of the Complaint expedited.

4. Office to issue authenticated copy of this order.